HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27740 of 1997

Dated:07.02.2007

Between:

Patan Hussain Khan.

...Petitioner.

and

Mandal Revenue Officer, Veeravasaram, and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27740 of 1997

ORDER:

The petitioner challenges the notice, dated 17.10.1997, issued by the Mandal Revenue Officer, Veeravasaram Mandal, the 1st respondent herein.

The petitioner states that a wakf known as 'Meera Shaheed Baba Dargah' situated in Sy.No.158 of Veeravasaram Village, Veeravasaram Mandal, West Godavari District, was being managed by his grandfather, by name, Salamat Khan, and after another generation, he is looking after it. He made reference to the nature of management of the Darga by him. The 1st respondent issued the impugned notice stating, *inter alia*, that the Andhra Pradesh State Wakf Board, the 2nd respondent herein, had appointed an Ad hoc Managing Committee, under Section 18 of the Andhra Pradesh Wakf Act, 1955, through proceedings, dated 26.10.1996, and on that basis, he required the petitioner to vacate the Darga and handover the same to the Ad hoc Managing Committee. The petitioner states that the 1st respondent does not figure

anywhere in the scheme under the Act and that even otherwise, no steps initiated under the Wakf Act, 1955 can be sustained after 1995 Act came into force.

The 1st respondent filed a counter-affidavit and attempted to justify the notice issued by him. It was alleged that the petitioner trespassed into the Darga and is doing idol worship, contrary to the Islam Religion. He stated that the petitioner is a self-styled Muttavalli of the Darga, and he did not even comply with the demand made by the 2nd respondent making a contribution of Rs.516/-. The impugned notice is said to have been issued, in view of the order passed by the 2nd respondent appointing the Ad hoc Managing Committee.

Heard the learned Counsel for the petitioner and the learned Standing Counsel for respondents 2 and 3.

Through the impugned notice, the 1st respondent required the petitioner to vacate the Darga and handover the possession of the same to the Ad hoc Managing Committee. Either under the Wakf Act of 1955, or that of 1995, the Mandal Revenue Officer does not figure anywhere in the context of appointment of ad hoc, or transfer of management of the wakf. In case, respondents 2 and 3 have appointed an Ad hoc Managing Committee, it is for the committee so appointed, or for respondents 2 and 3 to take necessary steps. The notice issued by the 1st respondent is without jurisdiction.

The writ petition is accordingly allowed and the impugned notice, dated 17.10.1997, is set aside. There shall be no order as to costs.

_____

Dt.07.02.2007
L.NARASIMHA REDDY, J

GJ

–